

Remarks

Though the Examiner withdrew her rejection under 35 U.S.C. 112 related to the three position switch, the Examiner now rejects to the drawings on the same basis, essentially arguing that “the three positions of the switch” must be shown.

As discussed in the previous Amendment, and apparently acquiesced by the Examiner by withdrawing the enablement rejection, the claims are fully enabling to one skilled in the art. Likewise the three position switch is fully shown in the drawings. One skilled in the art is fully capable of understanding the three positions the switch would move through during use and an applicant is not required to provide drawings that show every configuration of a shown device, when such a device is movable between various positions, and when such configurations are well known in the art. The Examiner’s position, that “it would leave a lot to imagination,” is not the proper legal standard for such a rejection. The Examiner further argues that the description of the three position switch is not found in the original disclosure, however, the three position switch is clearly shown in the figures and discussed in the application text in at least paragraphs 3, 4 and 5.

The Examiner rejected claims 1, 3 and 5 under 35 U.S.C. 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter the applicant regards as the invention. Specifically, the Examiner asserts that it is unclear what is meant by “wherein the disconnecter forms the bushing leading from the inside of a gas area to the outside of a gas area.” It is believed that the amendments to claim 1 address the Examiner’s concerns.

The Examiner again rejected claims 1, 3, and 5 under 35 U.S.C. 102(b) as anticipated by U.S. Publication No. 2003/0094438 to Renz. The Examiner specifically asserts that Renz teaches a three-position vacuum chamber switch that forms and replaces the bushing which leads from

inside the gas area to outside the gas area. The Applicant respectfully disagrees with the Examiner. There is simply no teaching within Renz that the vacuum switch forms a bushing. In fact the word bushing does not occur in the text of Renz.

Claim 1 further includes the limitations similar to those in previous claim 3. The Examiner rejected claim 3 under 35 U.S.C. 102(b) over Ritz. However, Ritz does not teach an edge board that extends radially outwardly and has an integrated seal that engages an outer surface of said gas filled enclosure. Such a feature is simply not shown in Renz. A grounding element (15) appears to extend radially outwardly (see Fig. 1), however, it does not include an integrated seal that engages the outer surface of a gas filled enclosure. Nor would such a feature be inherent or suggested because, as indicated above, Renz does not disclose using the switch as a bushing. Thus, no seal would be required around the grounding element (15). For these reasons, it is believed that claim 1 and the claims depending therefrom are in condition for allowance.

Based on the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 050877.

Respectfully submitted,

By: /mcp/

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August 28, 2009